

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5240 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- GARKHA District- Saran

1. Manish Kumar @ Manish Rai Son Of Ashok Ray Resident Of Village - Tahal Tola, P.S. - Garkha, District - Saran
2. Bhola Rai @ Bhola Kumar @ Ranjan Kumar Son Of Balindra Ray Resident Of Village - Tahal Tola, P.S. - Garkha, District - Saran
3. Tunilal Rai @ Rohit Kumar @ Toni Lal Rai Son Of Sushil Ray @ Sushil Kumar Resident Of Village - Tahal Tola, P.S. - Garkha, District - Saran

... .. Appellants

Versus

1. The State Of Bihar
2. Umashankar Manjhi Son Of Haribadan Manjhi Resident Of Village - Barbakpur, Post - Pirauna, Thana - Garkha, District - Saran, Pin - 841301 (informant)

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Akshansh Ankit, Advocate
For the Respondent/s	:	Mr.Binay Krishna, A.P.P. Mr. Rakesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-07-2024 Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 10.8.2023 passed in a case registered for the offence punishable under sections 147, 148, 149, 323, 324, 380, 448, 504, 506 of the IPC, section 27 of the Arms Act and section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, 12 named and 15



unknown accused persons, armed with rod, sword, farsa and pistol came to the house of the informant. They abused the informant by taking caste name and thereafter assaulted him and his family members.

4. Learned counsel appearing for the appellants submits that as a matter of fact informant, his brothers and other accused persons were indulged in selling illicit liquor on the land of the petitioners and when the same was objected to by appellants, the informant side assaulted the appellants and also took away Rs.5000/- for which Garkha Police Station Case No. 196/2023 was registered against the informant and others. In order to create defence, informant lodged this false case. No member of public was present at the time of the incident, as such, no case under SC/ST Act is made out. Appellants claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order, in respect of these appellants , is set aside.

7. Let the appellants, named above, in the event of their arrest/surrender within a period of eight weeks from the



date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge, SC/ST, Saran, in connection with Garkha P.S. Case No. 197of 2023.

(Prabhat Kumar Singh, J)

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